



# County of Fairfax, Virginia

November 24, 2009

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2009-SP-091**

### SPRINGFIELD DISTRICT

**APPLICANT:** Richard E. Eissner

**OWNERS:** Richard E. Eissner  
Karen L. Eissner

**STREET ADDRESS:** 9419 Onion Patch Drive

**SUBDIVISION:** Longwood Knolls

**TAX MAP REFERENCE:** 88-3 ((3)) 505

**LOT SIZE:** 9,120 square feet

**ZONING DISTRICT:** R-3 (Cluster)

**ZONING ORDINANCE PROVISION:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of an addition 18.4 feet from the rear lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2009-SP-091 for a screened porch addition subject to the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

*O:\dhedn\Special Permits\12-1) SP 2009-SP-091 Eissner\SP 2009-SP-091 Eissner staff report.doc*

*Deborah Hedrick*

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

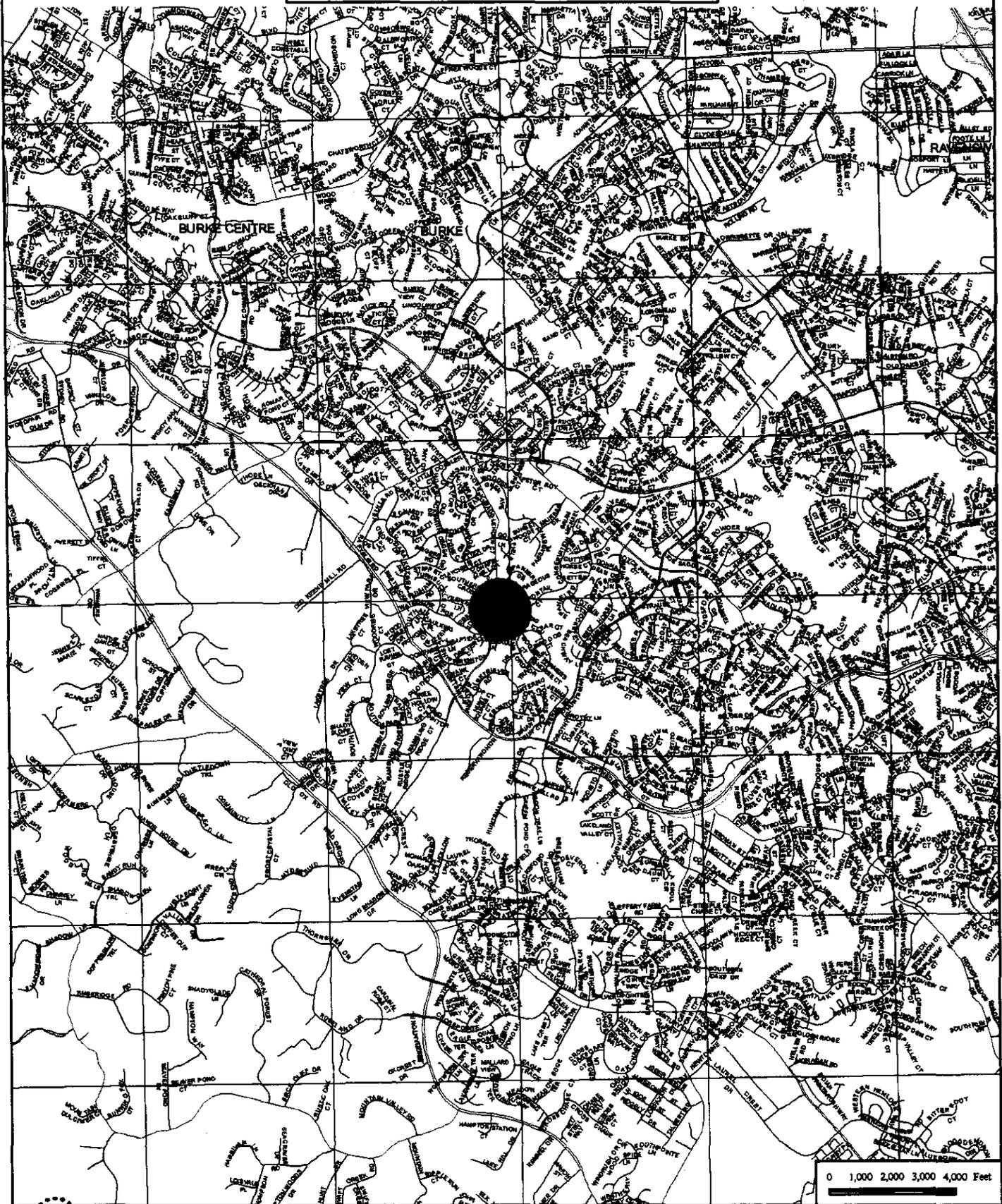
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

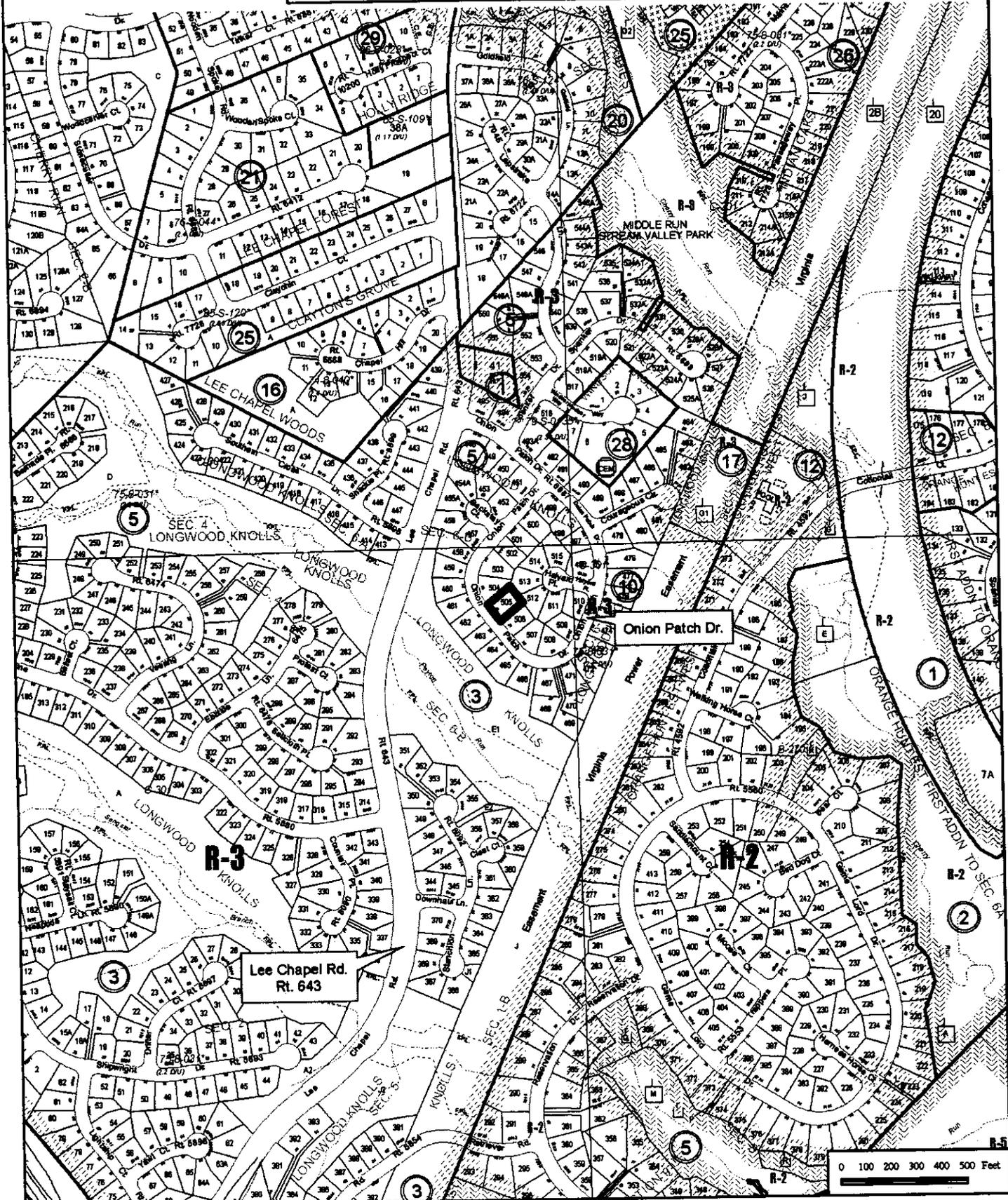


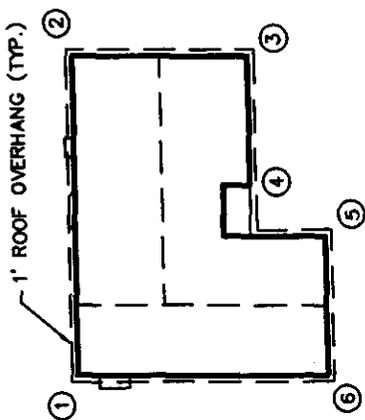
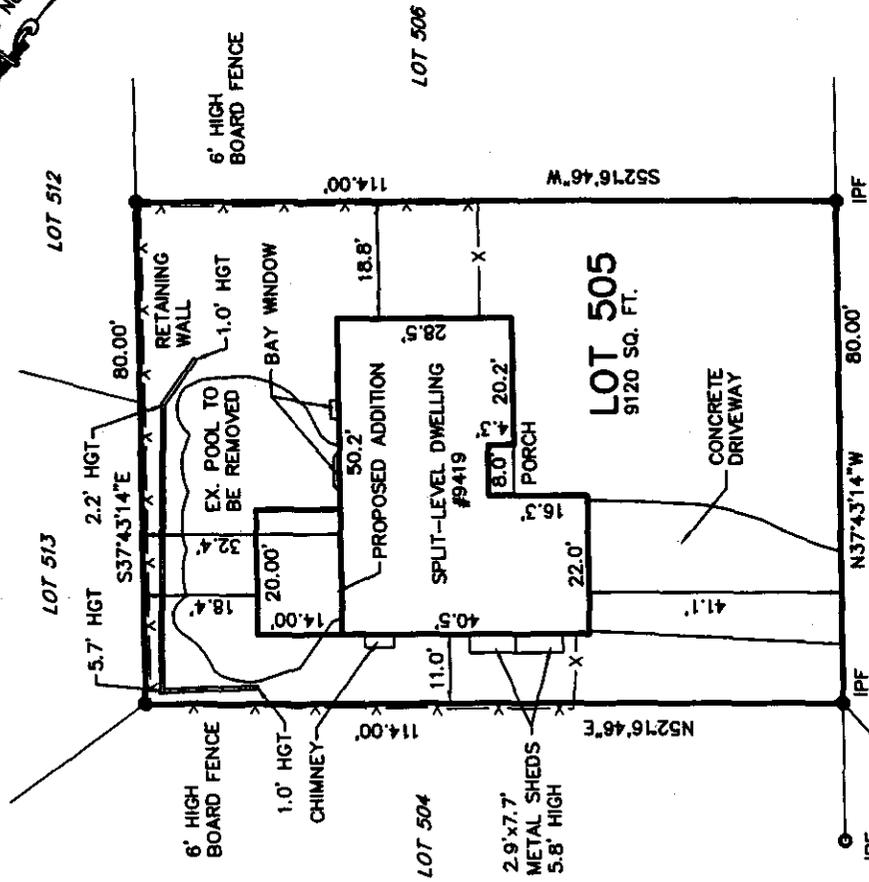
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Permit**  
**SP 2009-SP-091**  
**RICHARD EISSLER**



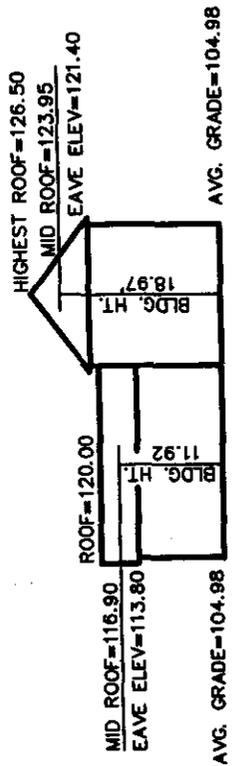
**Special Permit**  
**SP 2009-SP-091**  
**RICHARD EISSNER**





#	ELEV
1	105.27
2	104.83
3	104.51
4	104.97
5	104.90
6	104.86

AVG. GRADE=104.98



### BUILDING HEIGHT COMPUTATION

HOUSE LOCATION SURVEY  
LOT 505 SECTION SIX-B

## LONGWOOD KNOLLS

SPRINGFIELD DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"=20'  
AUGUST 4, 2009  
REVISED: AUGUST 14, 2009

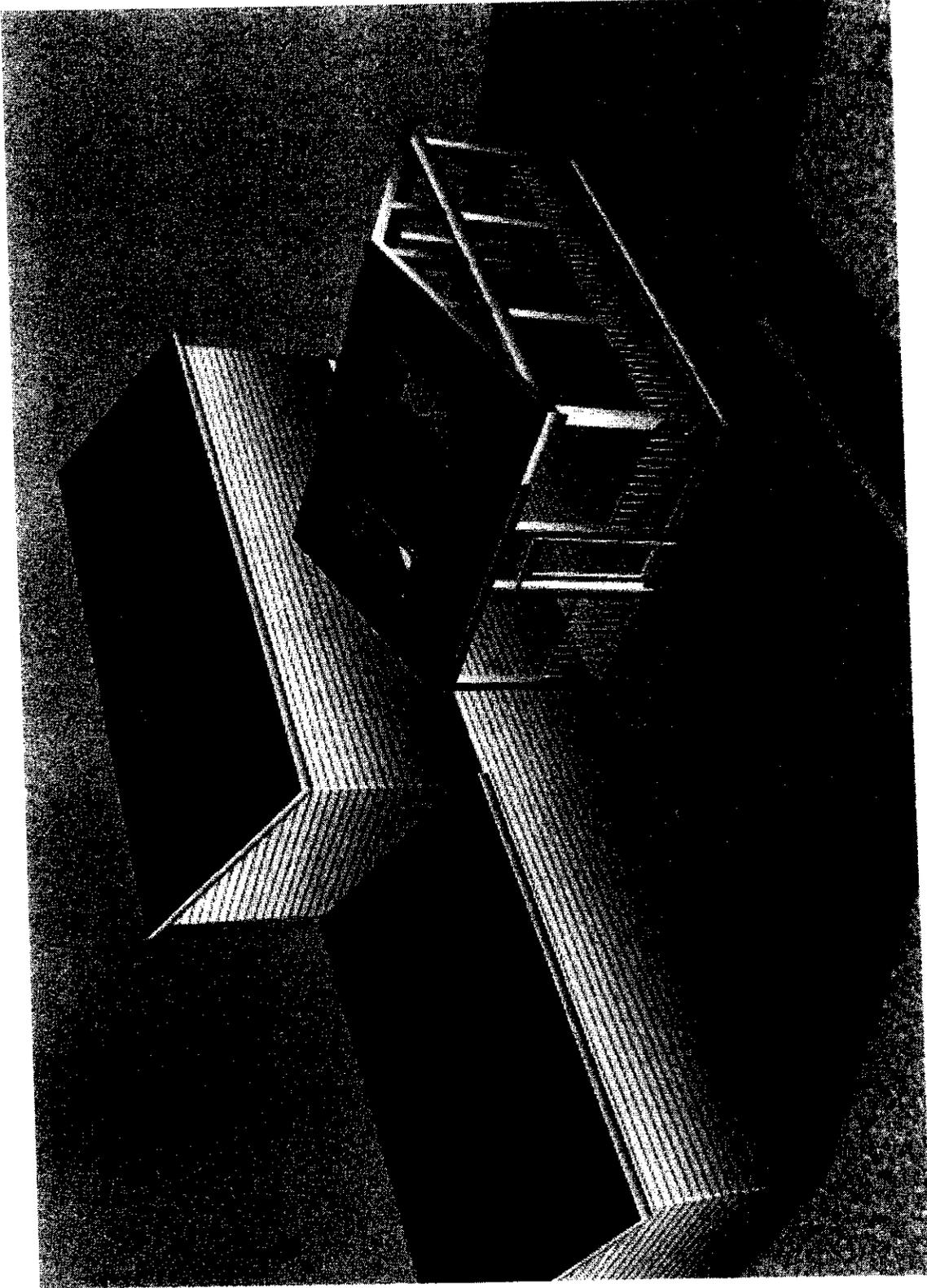


ONION PATCH DRIVE  
50' RIGHT-OF-WAY

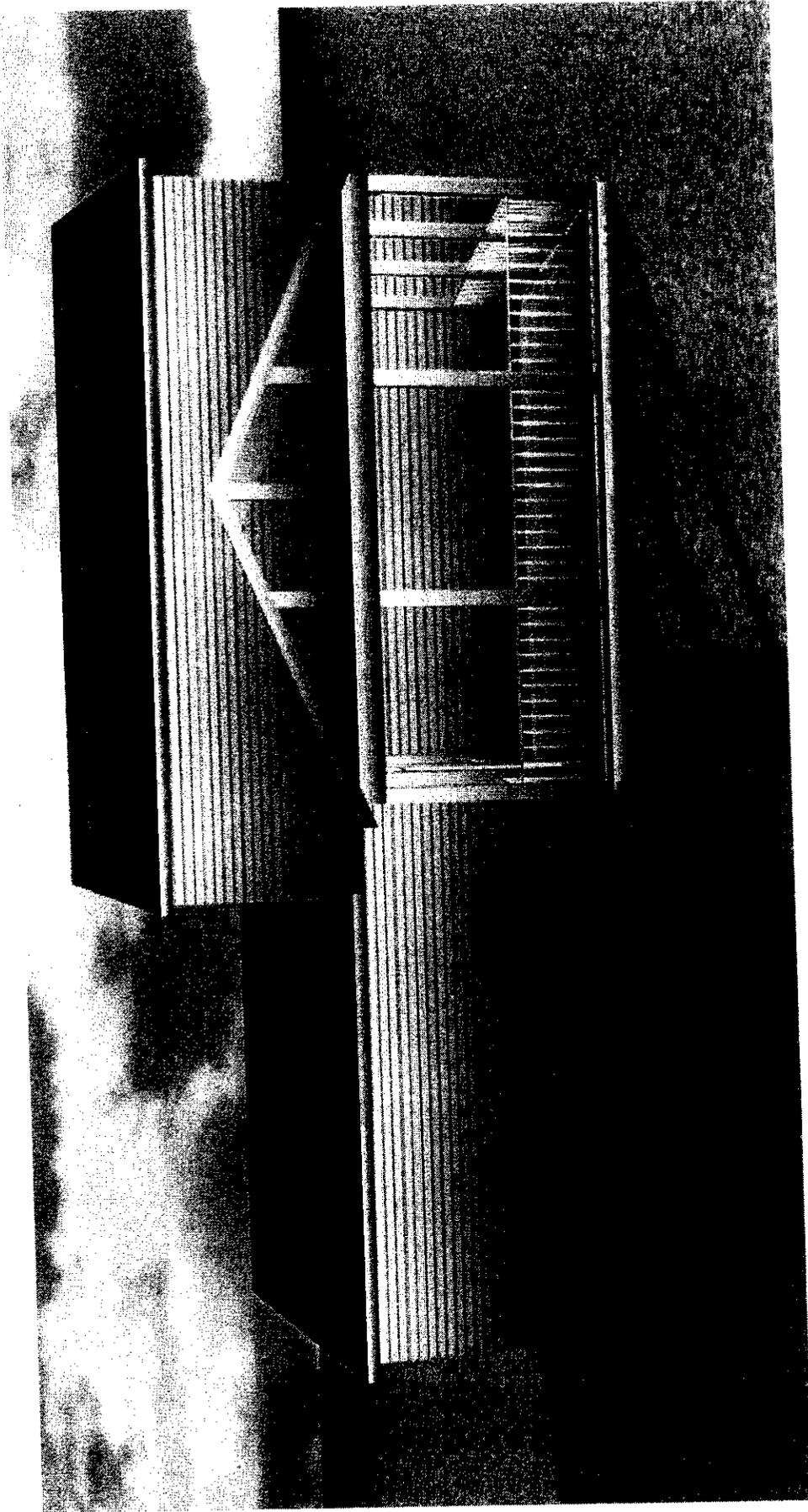
325' TO INTX.  
BACKSTAY COURT

**JEFF WARNER LAND SURVEYING, INC.**  
9442 CENTER POINT LANE MANASSAS, VA. 20110  
(703) 369-6249 FAX (703) 369-6763

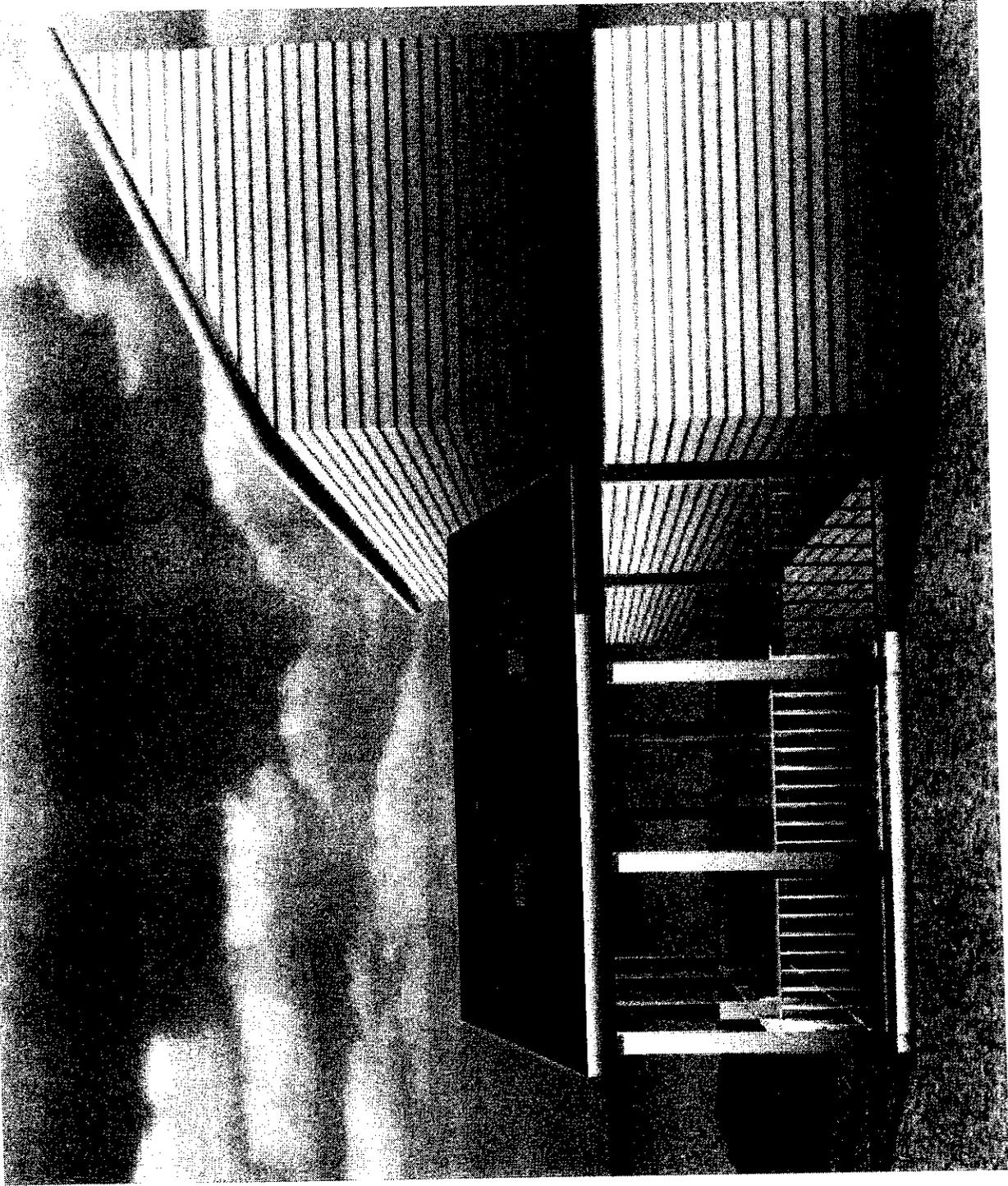
NO TITLE REPORT FURNISHED.



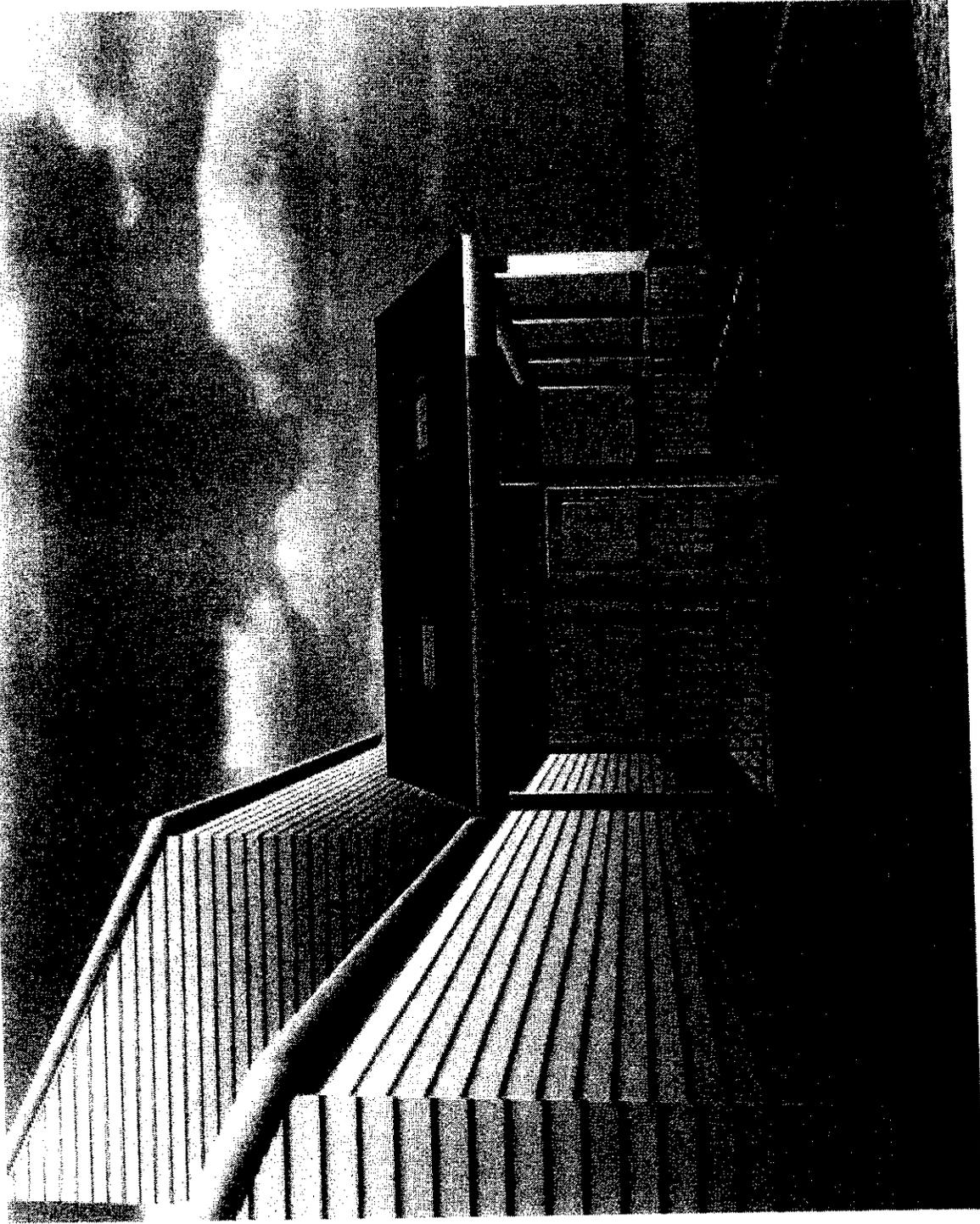
8-922 Par. 12. Architectural depictions of screen porch addition, aerial view from rear of lot



8-922 Par. 12. Architectural depictions of screen porch addition, view from rear of lot



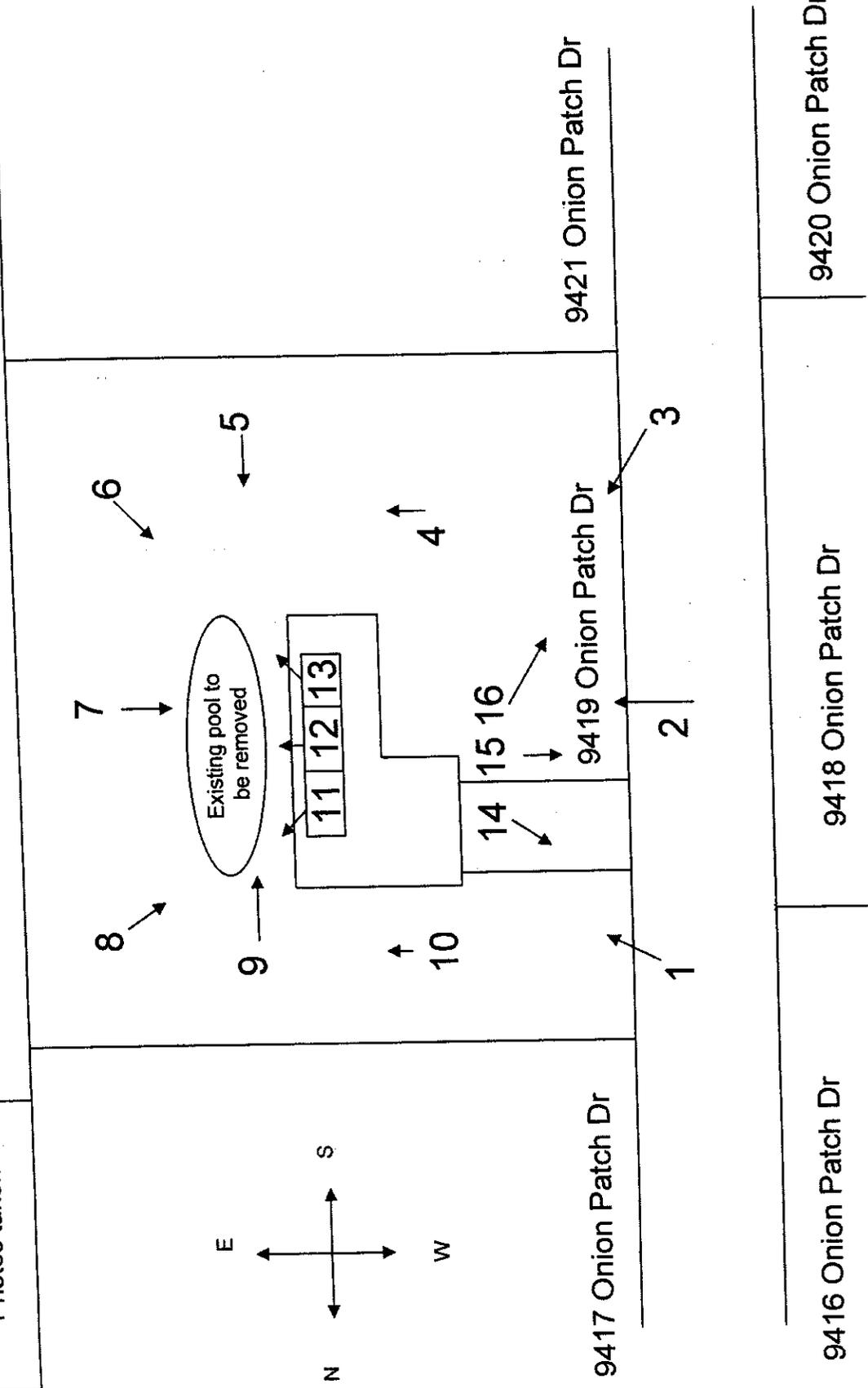
8-922 Par. 12. Architectural depictions of screen porch addition, view from left side of lot



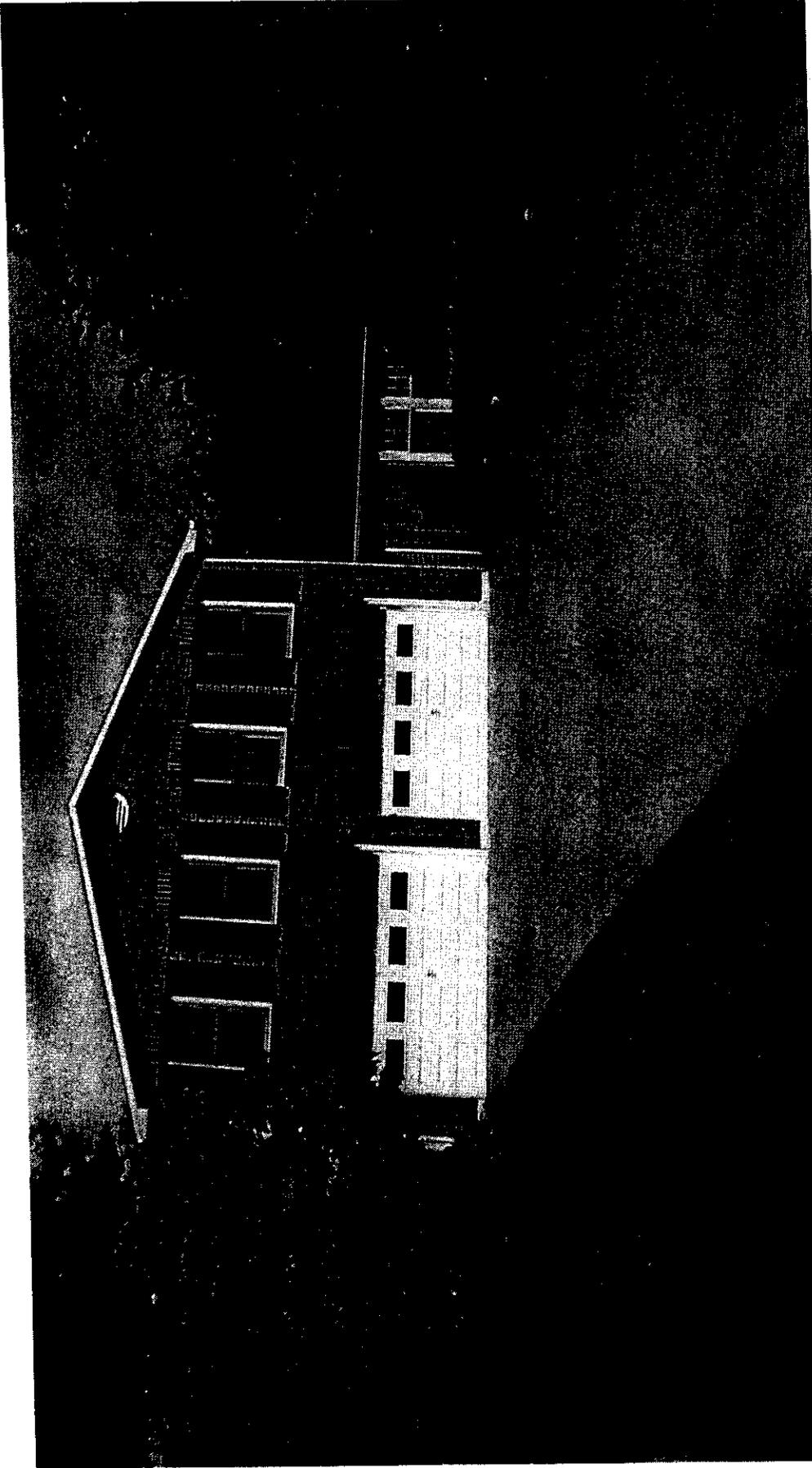
8-922 Par. 12. Architectural depictions of screen porch addition, view from right side of lot

Rich Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot # 505 Longwood Knolls

**Photo layout**  
Not to scale  
Arrows equal  
Direction of  
Photos taken

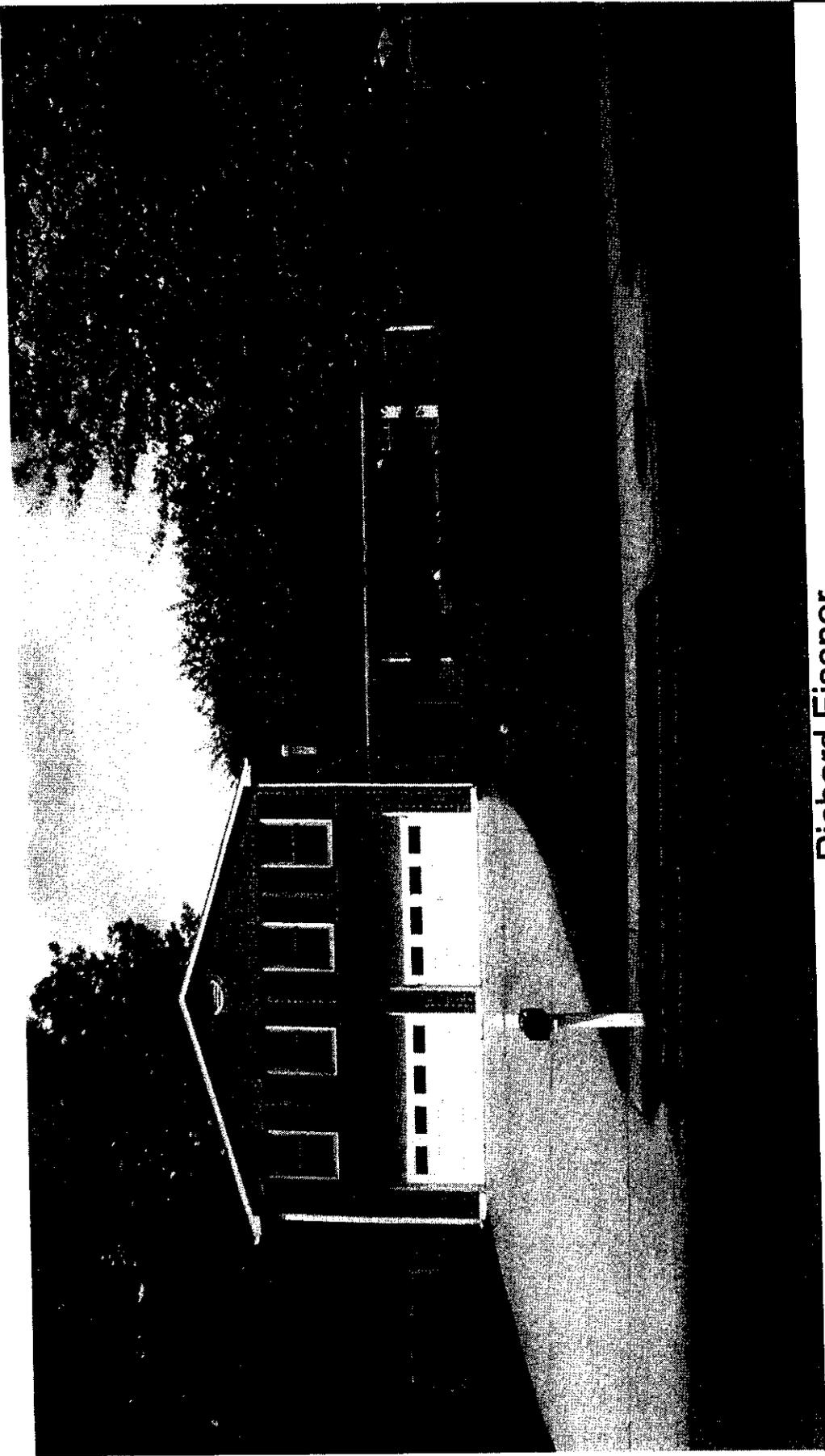


9416 Onion Patch Dr | 9418 Onion Patch Dr | 9420 Onion Patch Dr



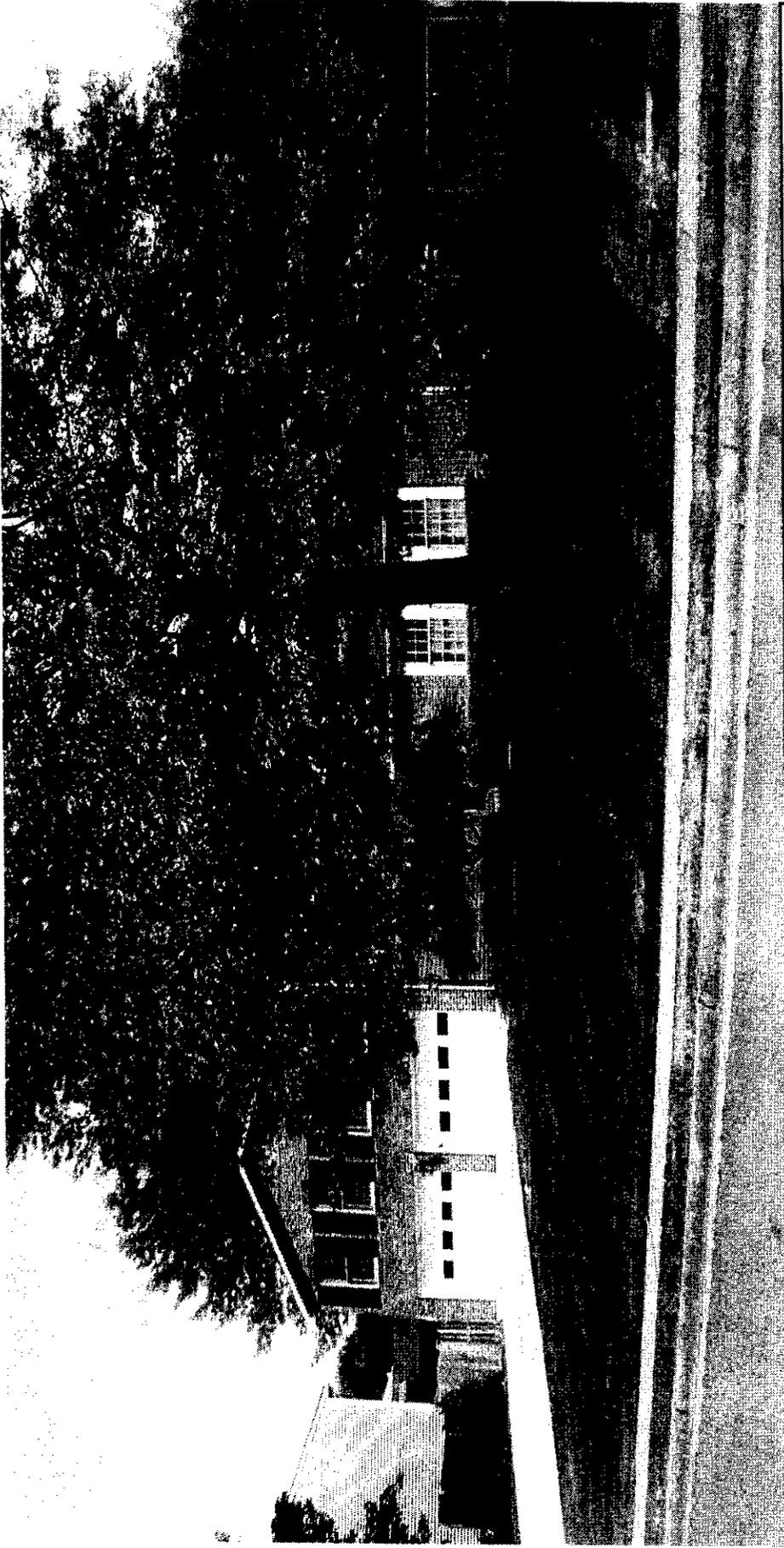
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #1 - looking from left front of property



Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #2 - looking from center front of property



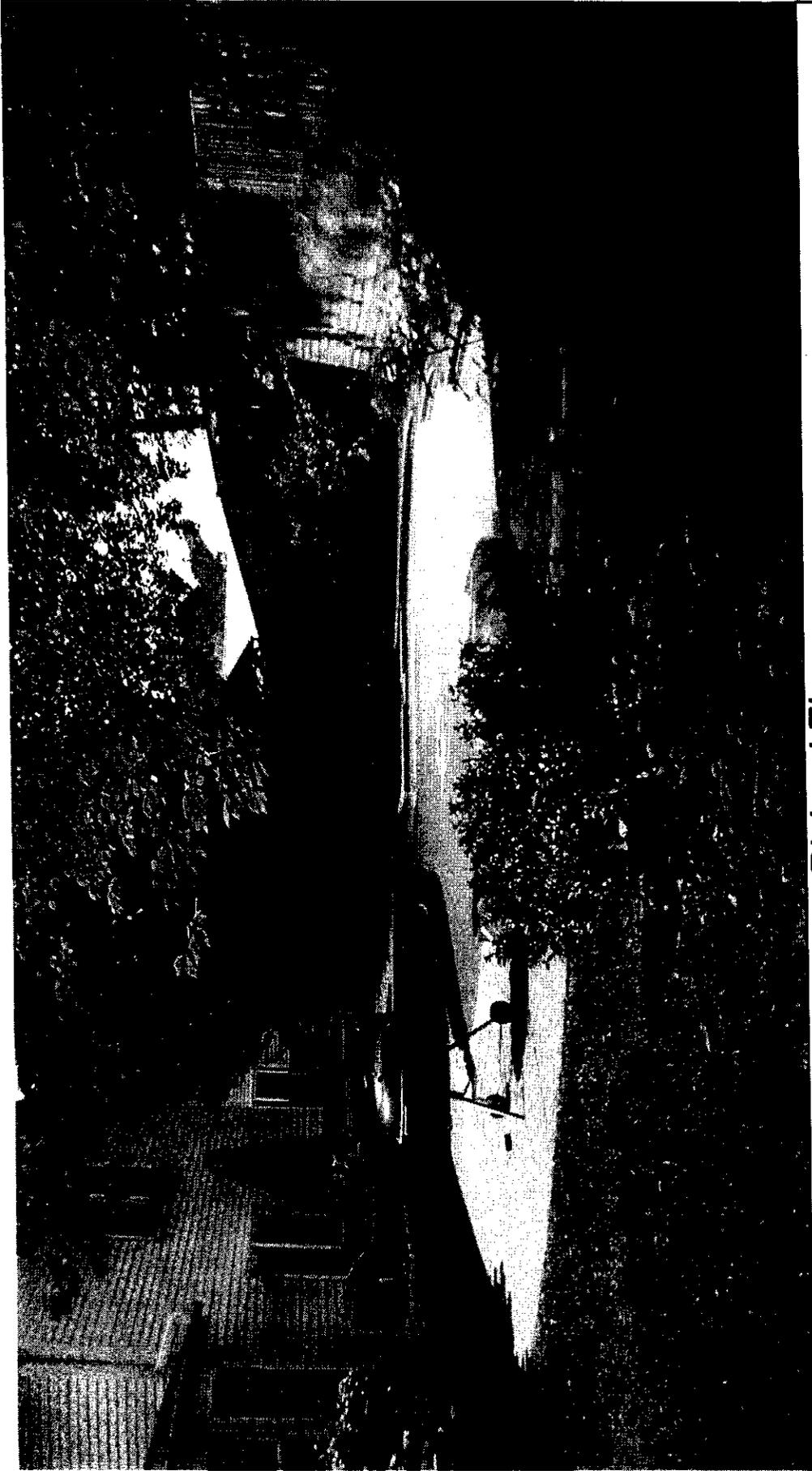
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #3 - looking from right front of property



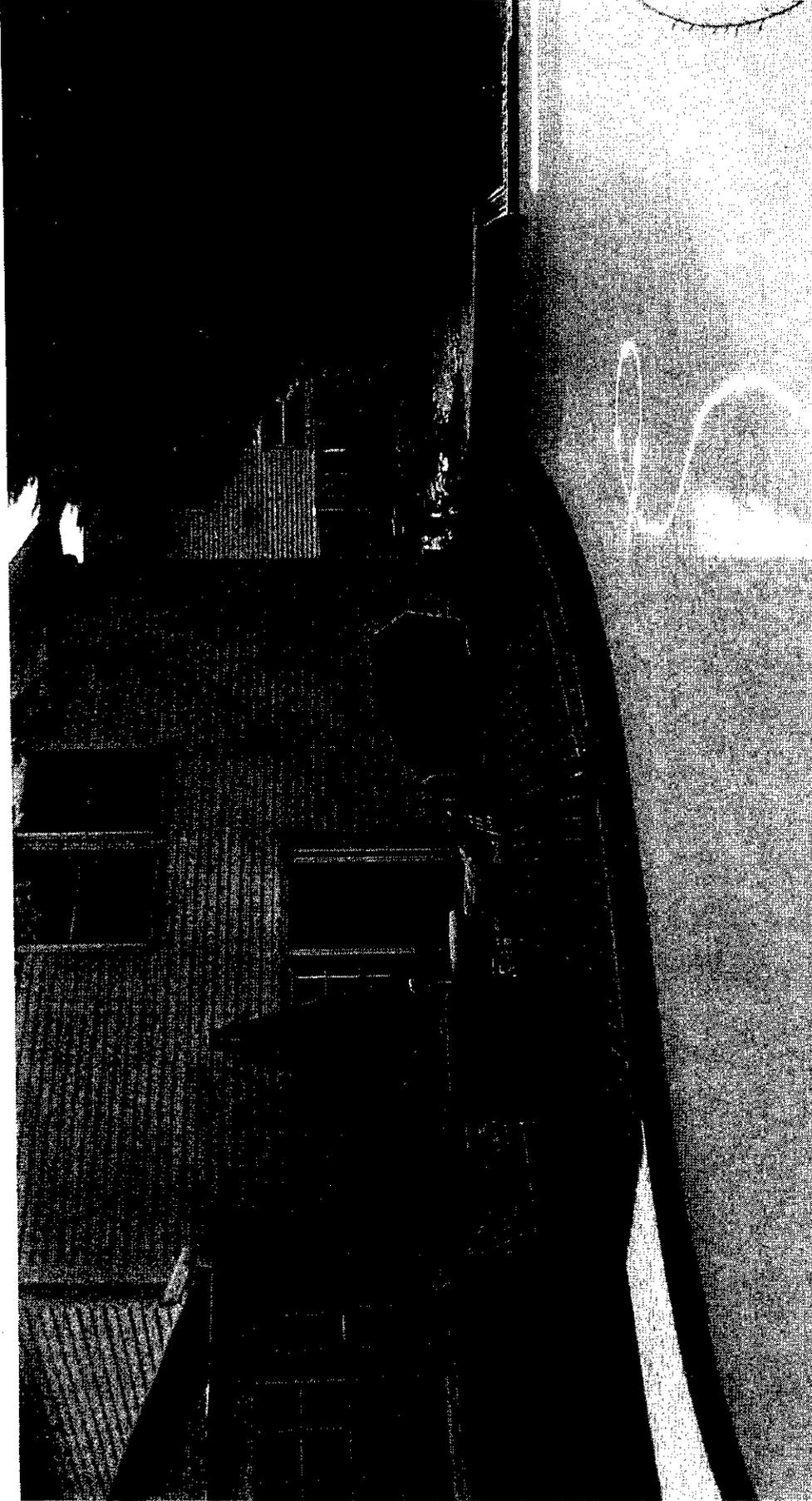
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #4 - looking at right side of property



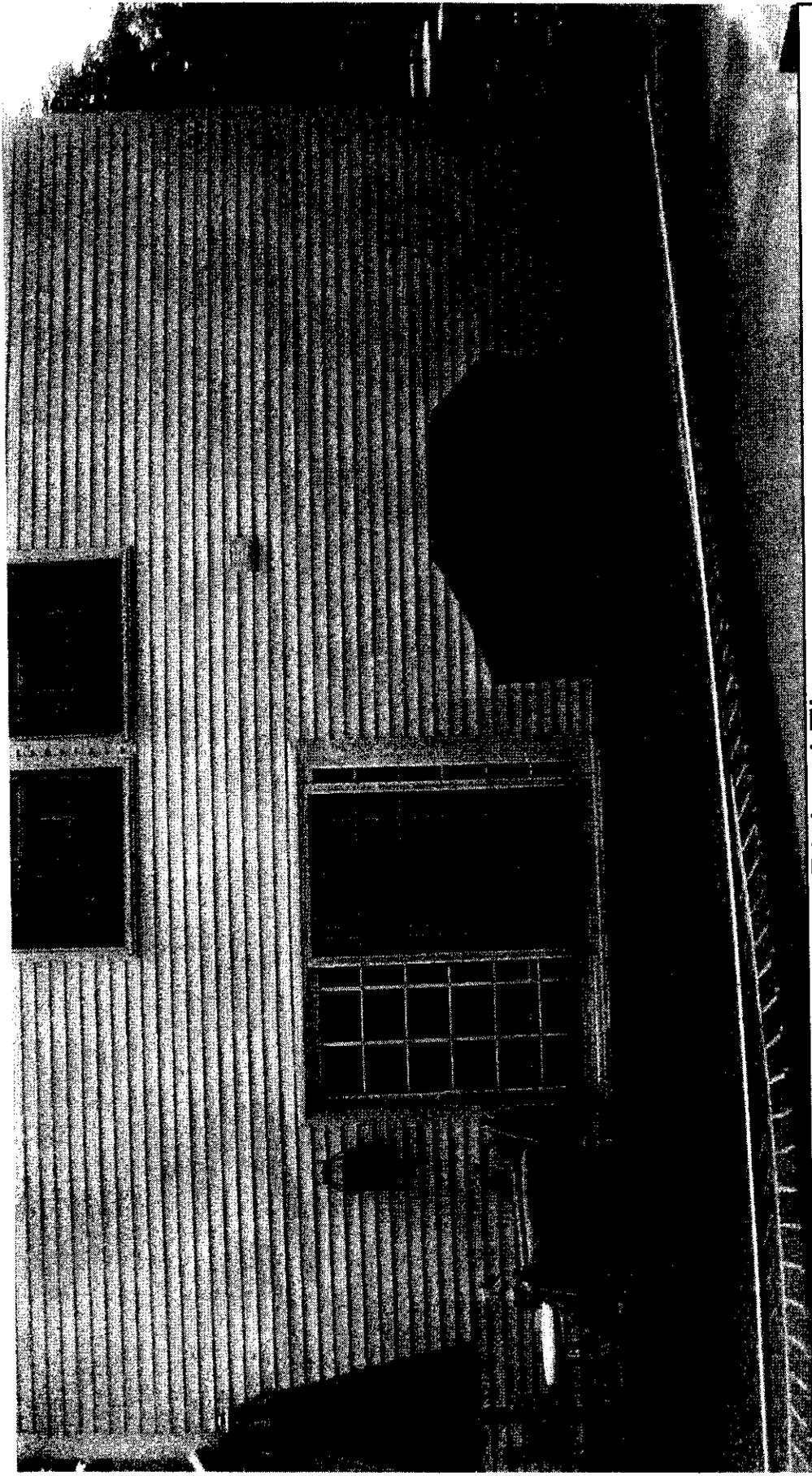
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #5 - looking from right side/rear of property



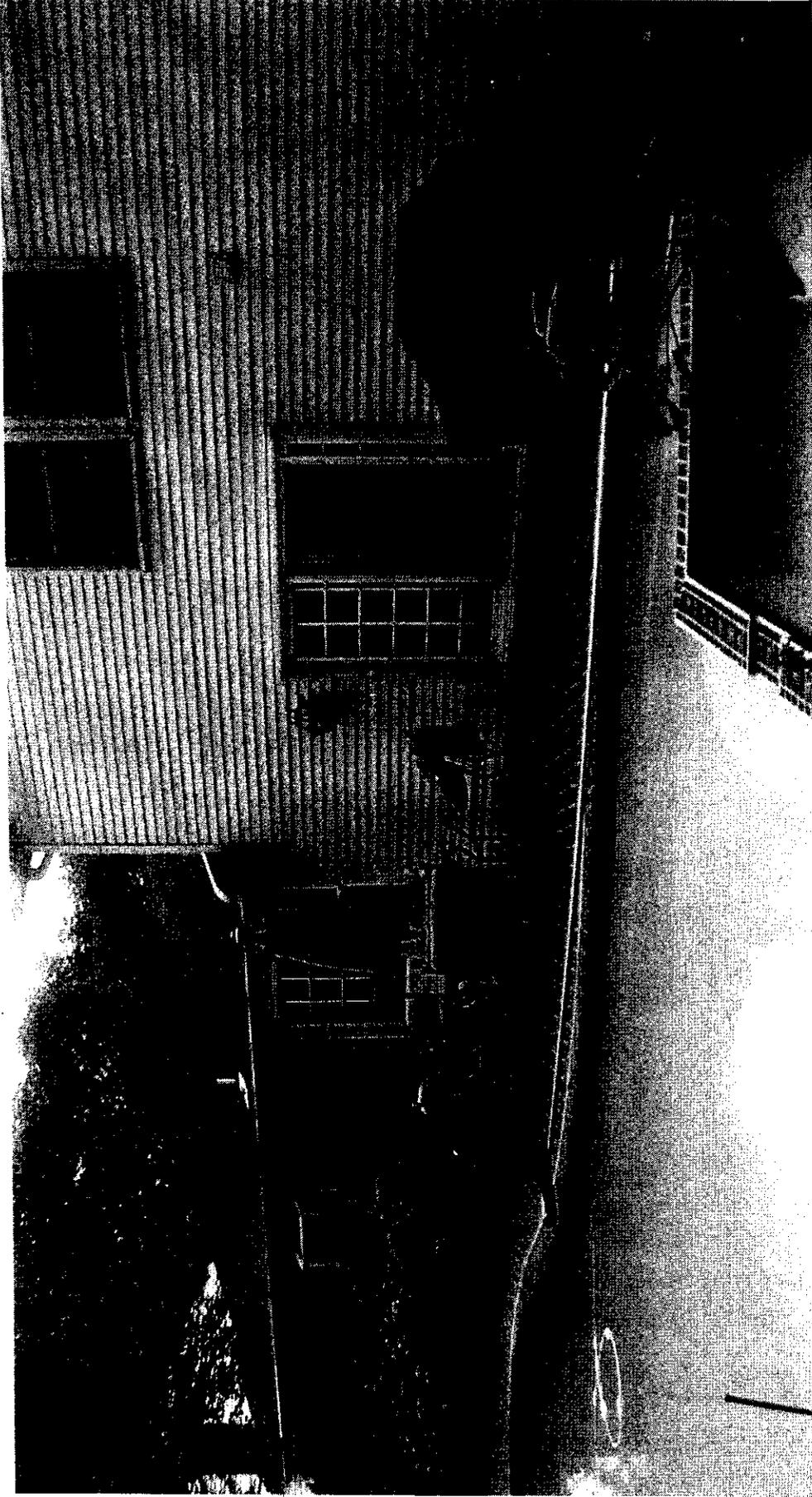
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #6 - looking from right rear of property



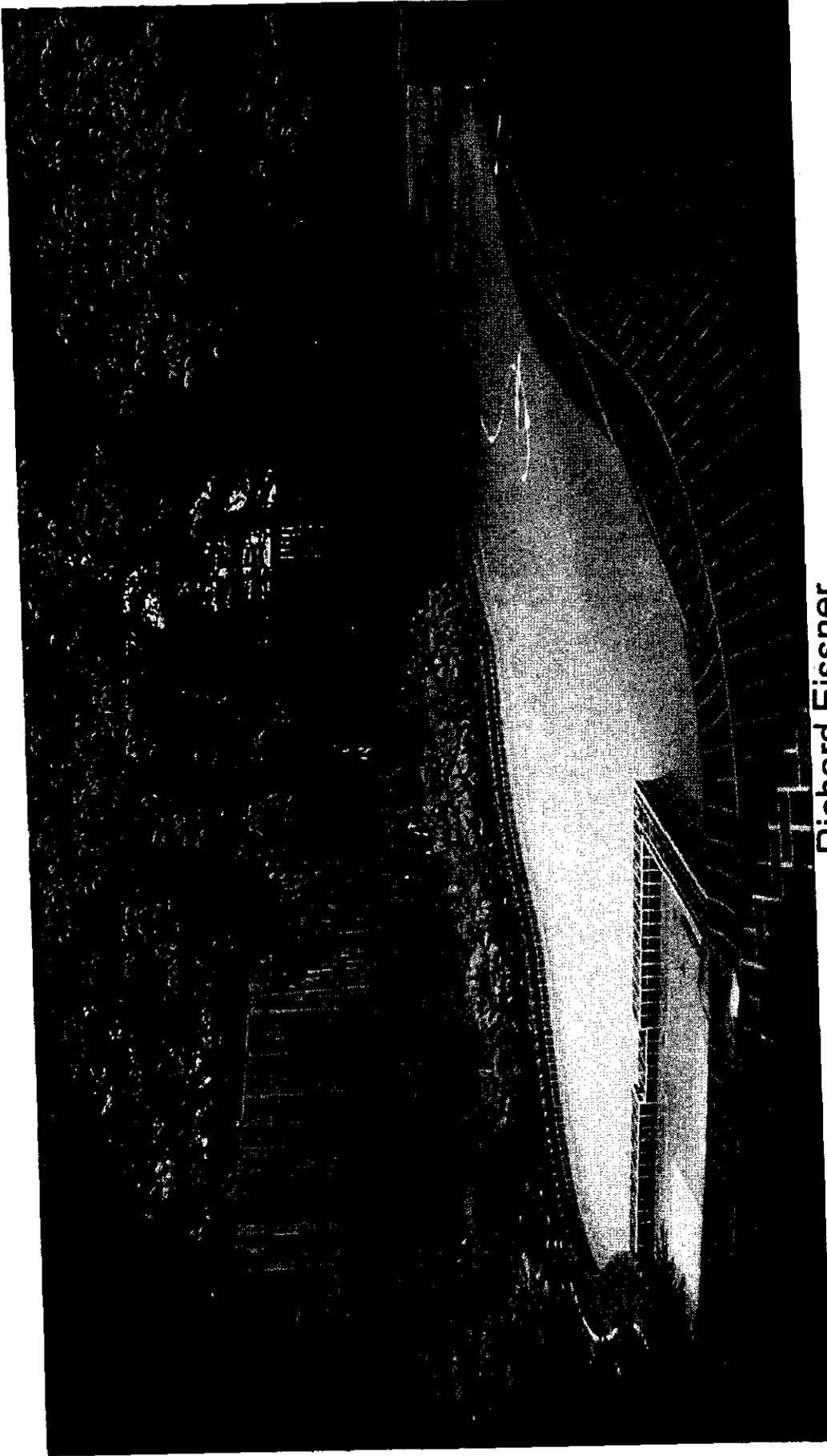
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #7 - looking from rear center of property



Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #8 - looking from left rear of property



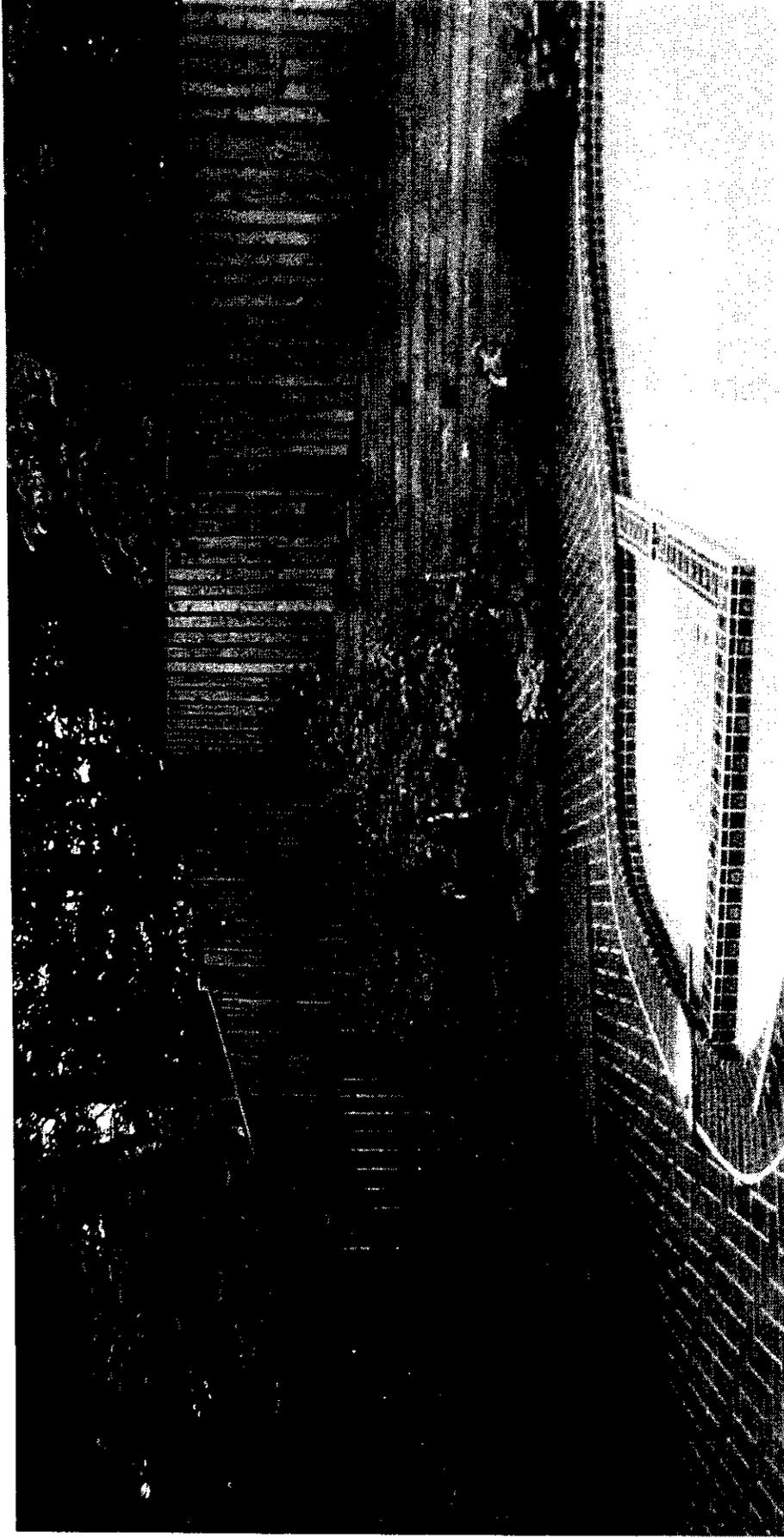
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #9 - looking from left side/rear of property



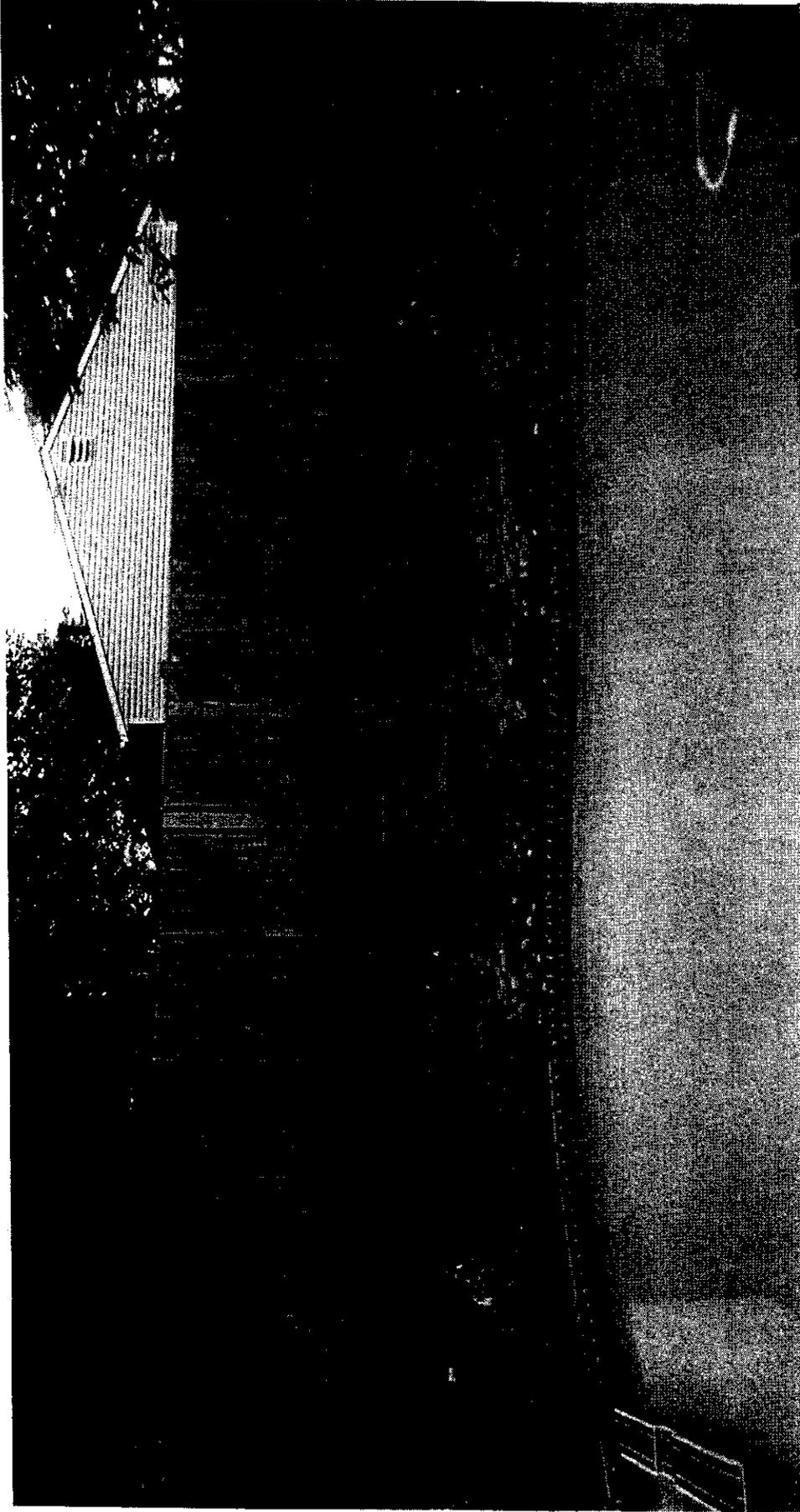
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #10 - looking from left side of property



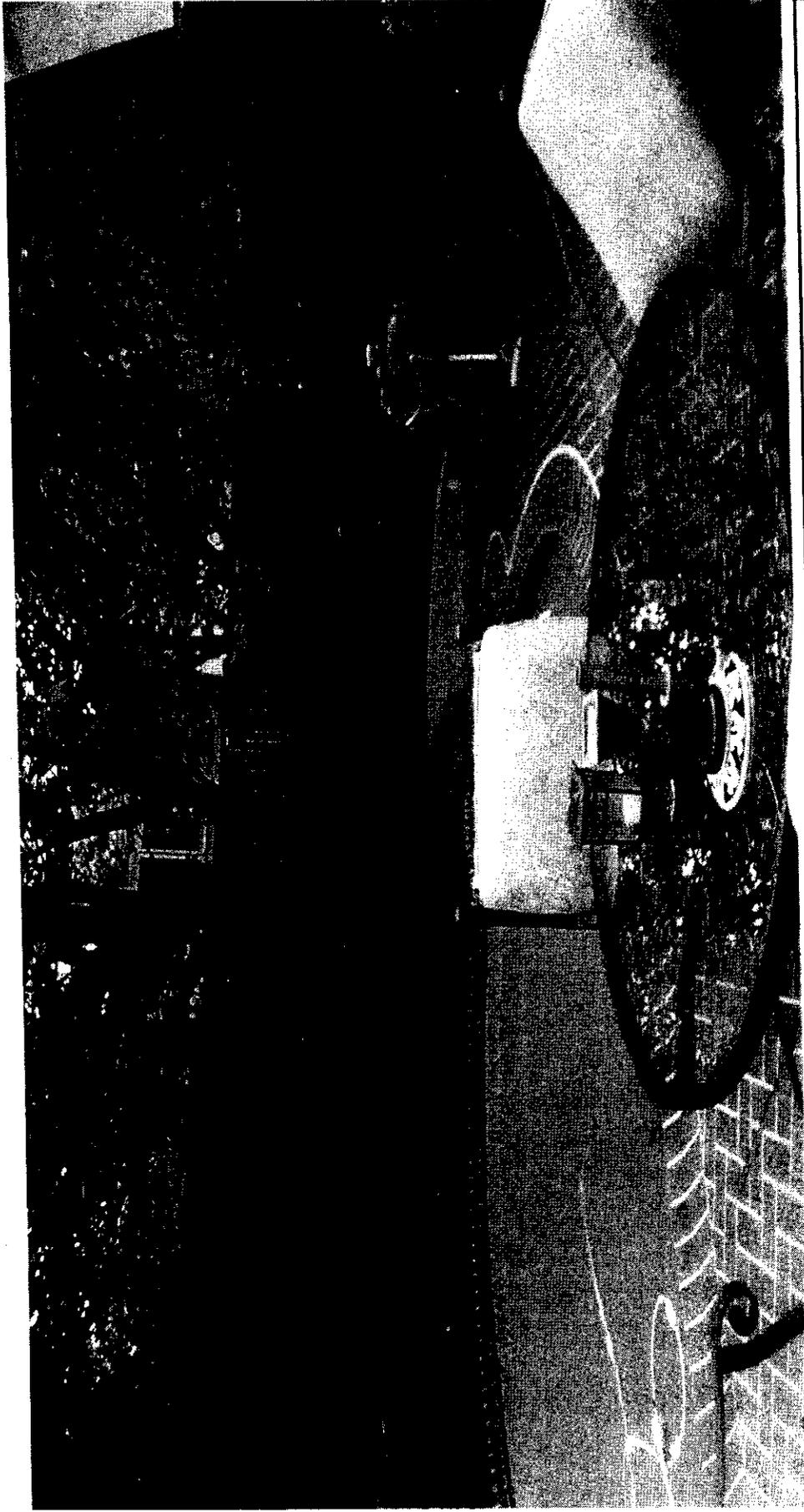
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #11 - looking from rear door to left of property



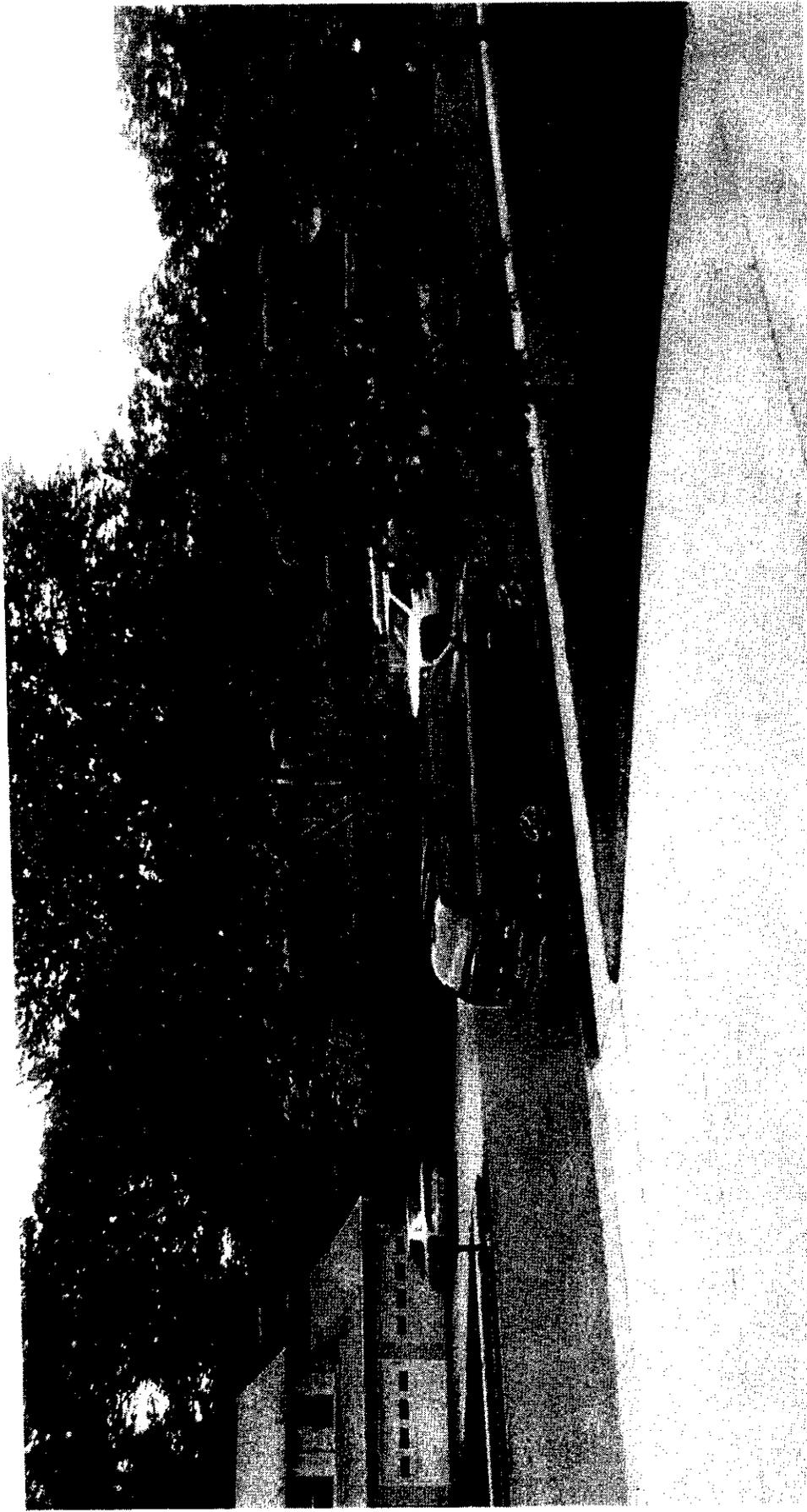
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #12 looking from patio door to center back of property



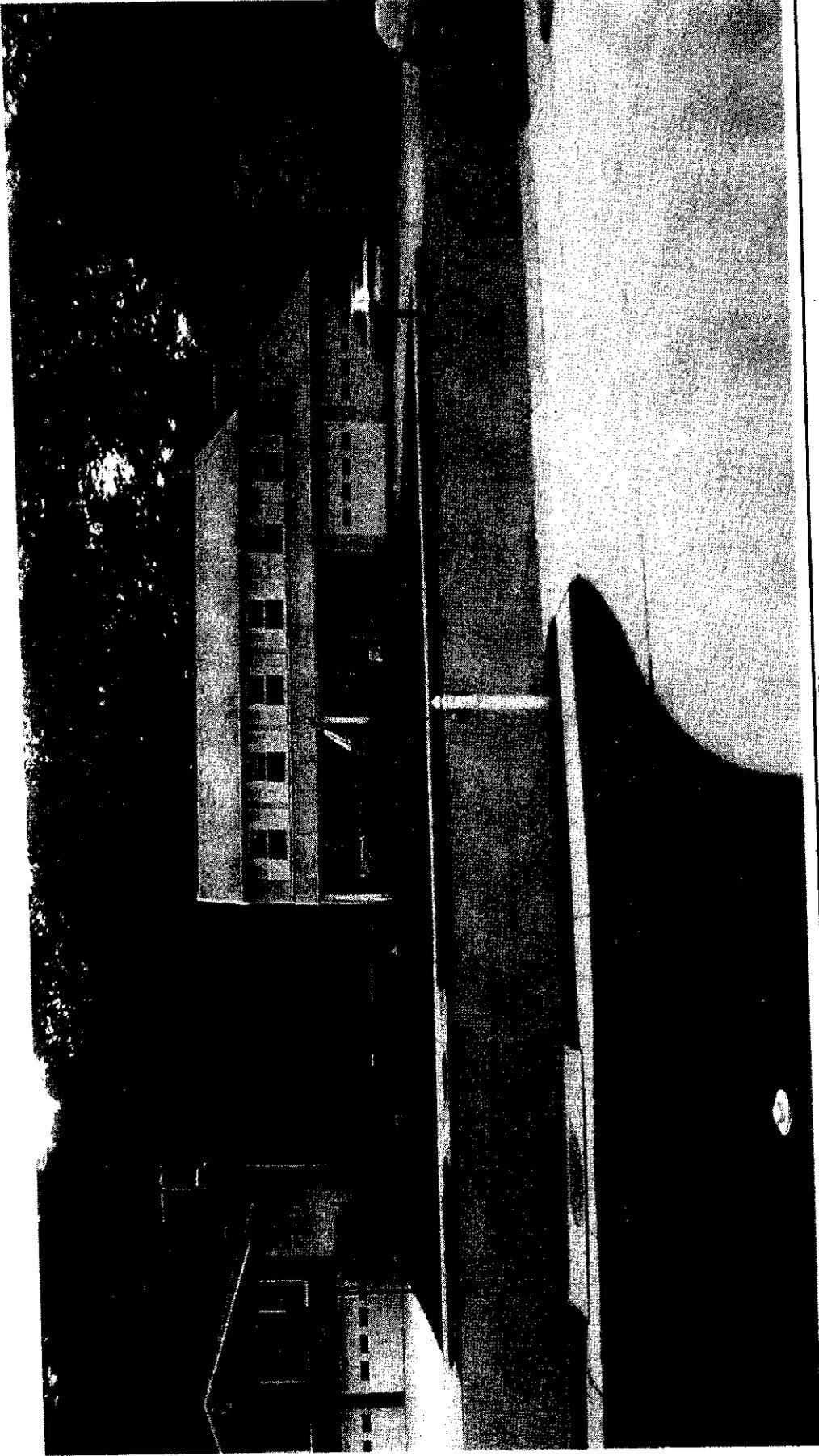
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #13 looking from patio door to right back of property



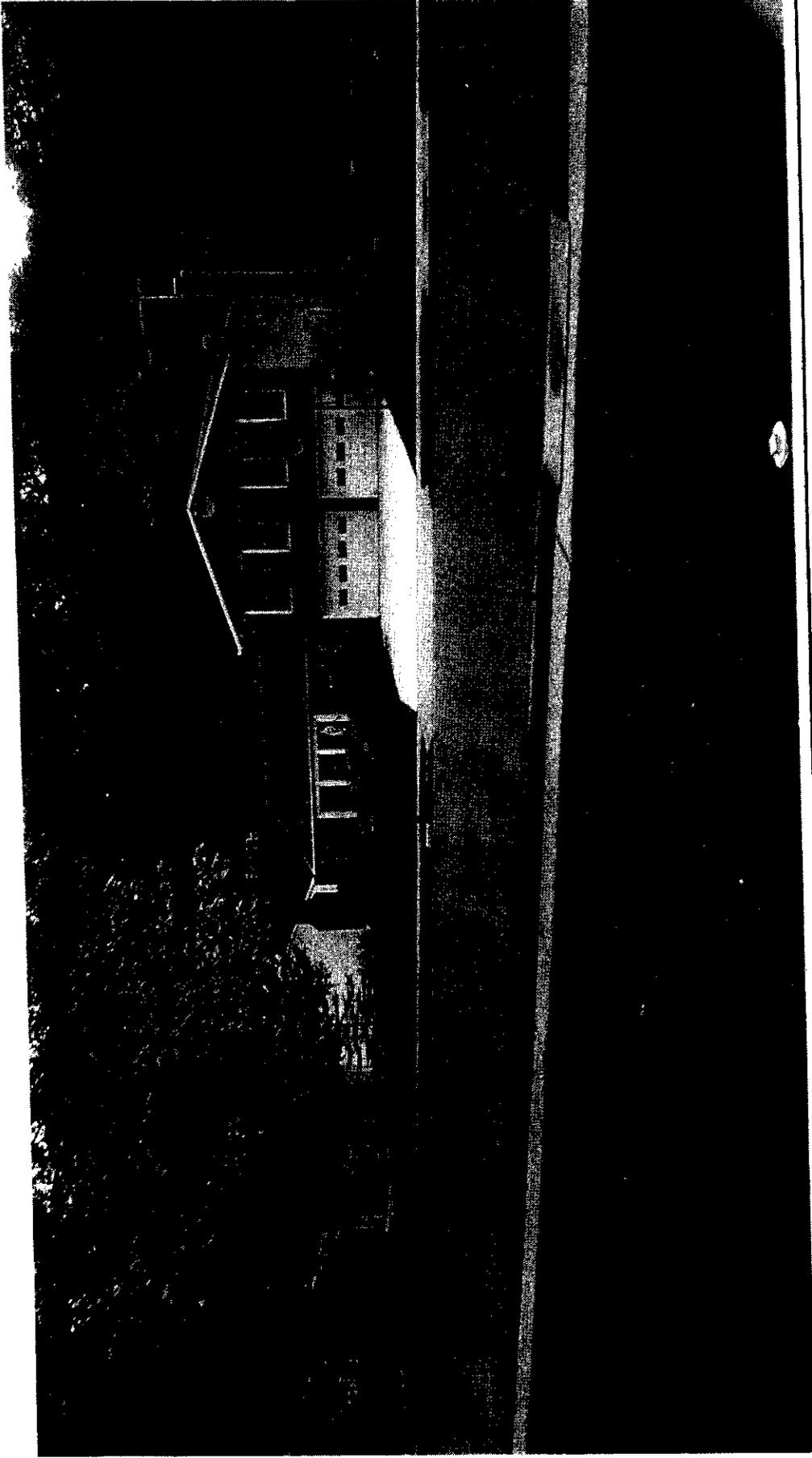
Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #14 - looking from center front across street right towards 9416



Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #15 - looking from center front across street towards 9418



Richard Eissner  
9419 Onion Patch Drive  
Burke, Va 22015  
571 276 4906  
Lot 505, Longwood Knolls

View #16 - looking from center front across street left towards 9420

**DESCRIPTION OF THE APPLICATION**

To permit reduction of certain yard requirements to permit construction of a screened porch addition to be located 18.4 feet from the rear lot line.

	<b>Structure</b>	<b>Yard</b>	<b>Minimum Yard Required*</b>	<b>Proposed Location</b>	<b>Proposed Reduction</b>	<b>Percentage of Reduction Requested</b>
<b>Special Permit</b>	Addition	Rear	25.0 feet	18.4 feet	6.6 feet	26%

\*Minimum yard requirement per Section 3-307

**EXISTING SITE DESCRIPTION**

The site is currently zoned R-3, developed under the Cluster regulations and contains a single family two-story split-level detached dwelling, built in 1981. The lot consists of 9,120 square feet and is surrounded by single family detached homes on all lot lines. There is an existing swimming pool and associated decking extending into a majority of the rear yard. The site is accessed via a concrete driveway on Onion Patch Drive. The property has a well manicured front lawn and mature vegetation. An existing 6-foot high board-on-board fence is located along the side and rear lot lines of the subject property.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-3 (Cluster)	Single Family Detached Dwellings
<b>East</b>	R-3 (Cluster)	Single Family Detached Dwellings
<b>South</b>	R-3 (Cluster)	Single Family Detached Dwellings
<b>West</b>	R-3 (Cluster)	Single Family Detached Dwellings

## BACKGROUND

Following the adoption of the current Zoning Ordinance, the BZA has heard numerous variances in the vicinity of the application parcel with distances to the rear lot lines approved ranging from 8.5 feet to 20.1 feet.

## ANALYSIS

**Special Permit Plat** (Copy at front of staff report)

- **Title of Plat:** House Location Survey, Lot 505, Section Six-B, Longwood Knolls
- **Prepared by:** Jeff Warner Land Surveying, Inc., dated August 4, 2009 as revised through August 14, 2009

### Proposal:

The applicant proposes to construct a screened porch addition, which measures 20 x 14 feet in size (280 square feet), to be located 18.4 feet from the rear lot line. The applicant proposes to remove an existing swimming pool and a majority of the associated decking in the rear yard to accommodate this request. The proposed addition will be constructed where a portion of the current pool decking is located.

## ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1.

The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

**Sect. 8-006 General Special Permit Standards**

Staff believes that the application for the addition meets all of the 8 General Special Permit Standards. Of particular note regarding this application are General Standards 3 and 5.

*General Standard 3* requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *Staff believes by observation of the neighborhood through submitted photographs that the construction of the screened porch addition will not adversely affect the use or development of neighboring properties since the structure is only 280 square feet in size and will be located in an area where there is an existing swimming pool and associated decking. The applicant proposes to completely remove the existing swimming pool and a majority of the associated decking in order to accommodate the screened porch addition. A 6 foot high board-on-board fence to provide further screening from adjacent properties also surrounds the property. Although the lots are relatively small, they contain significant mature vegetation. Therefore, staff does not believe the addition will adversely affect the use or development of neighboring properties and believes this standard has been met.*

*General Standard 5* requires that in addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13. *The proposed addition will consist of a 20 x 14, 280 square foot screened porch in a location where there currently exists an in-ground swimming pool and extensive pool decking. No vegetation is proposed to be removed to accommodate the construction. The applicants state that they intend to replant the area of the pool/decking with grass and other landscaping material. There is existing mature vegetation as well as a 6 foot high board-on-board fence between the subject property and Lot 504, which is the most affected lot. Therefore, staff believes no additional landscaping or screening should be required and this standard has been met.*

**Sect. 8-922 Provisions for Reduction of Certain Yard Requirements**

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.

*Standard 4* states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard

reduction shall be removed. *The existing dwelling is 1,922 square feet in size. Therefore 150% of the total gross floor area could result in an addition up to 2,883 square feet in size for a possible total square footage at build out of 4,805. The proposed addition is 280 square feet, for a total square footage of the house with the addition of 2,202 square feet. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings and pictures submitted indicate that the materials, size and scale of the 280 square foot proposed screened porch addition will be compatible with the architecture of the existing dwelling on the lot. Staff believes that the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The applicant proposes to construct the screened porch addition in an area where there is currently decking and an in-ground swimming pool. The pool is proposed to be removed and the area replanted with only a small portion of decking to be preserved. There is ample mature vegetation between the subject property and the most affected lot, Lot 505, along with an existing 6 foot high board-on-board fence, to screen the proposed addition. No vegetation is proposed to be removed with the new construction, and staff believes the addition will be harmonious with surrounding off-site uses. Therefore, staff believes that the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. Staff believes that the application meets the erosion and stormwater runoff portion of the standards since the Department of Public Works and Environmental Services (DPWES) has indicated that there are no drainage complaints on file related to this property. Staff believes that the addition of a screened porch, along with the removal of an existing in-ground swimming pool and a large expanse of decking will significantly reduce the impact of stormwater runoff, noise, light, air, safety or erosion as it would lessen the amount of impervious surface in the rear yard. The applicant proposes to replant the areas with grass and other landscaping materials to further enhance the rear yard of the property. Staff believes that the application meets this provision.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The request to construct a*

*screened porch addition to be located in an area where there currently exist significant structures is the most logical location given existing flow of the interior of the dwelling. Existing French doors can access the proposed addition and the location will not require the relocation of two (2) existing bay windows. Given that the applicant proposes to completely remove and replant an area where there currently exists a large in-ground swimming pool, and remove a majority of its associated decking, staff believes the addition will lessen the overall impact of the property and believes the application meets this provision. Other issues of well, floodplains and/or Resource Protection Areas and preservation are not applicable to this site.*

## **CONCLUSION**

Staff believes that the request is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

## **RECOMMENDATION**

Staff recommends approval of SP 2009-SP-091 for a screened porch addition subject to the Proposed Development Conditions contained in Appendix 1 of the staff report. It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****SP 2009-SP-091****November 24, 2009**

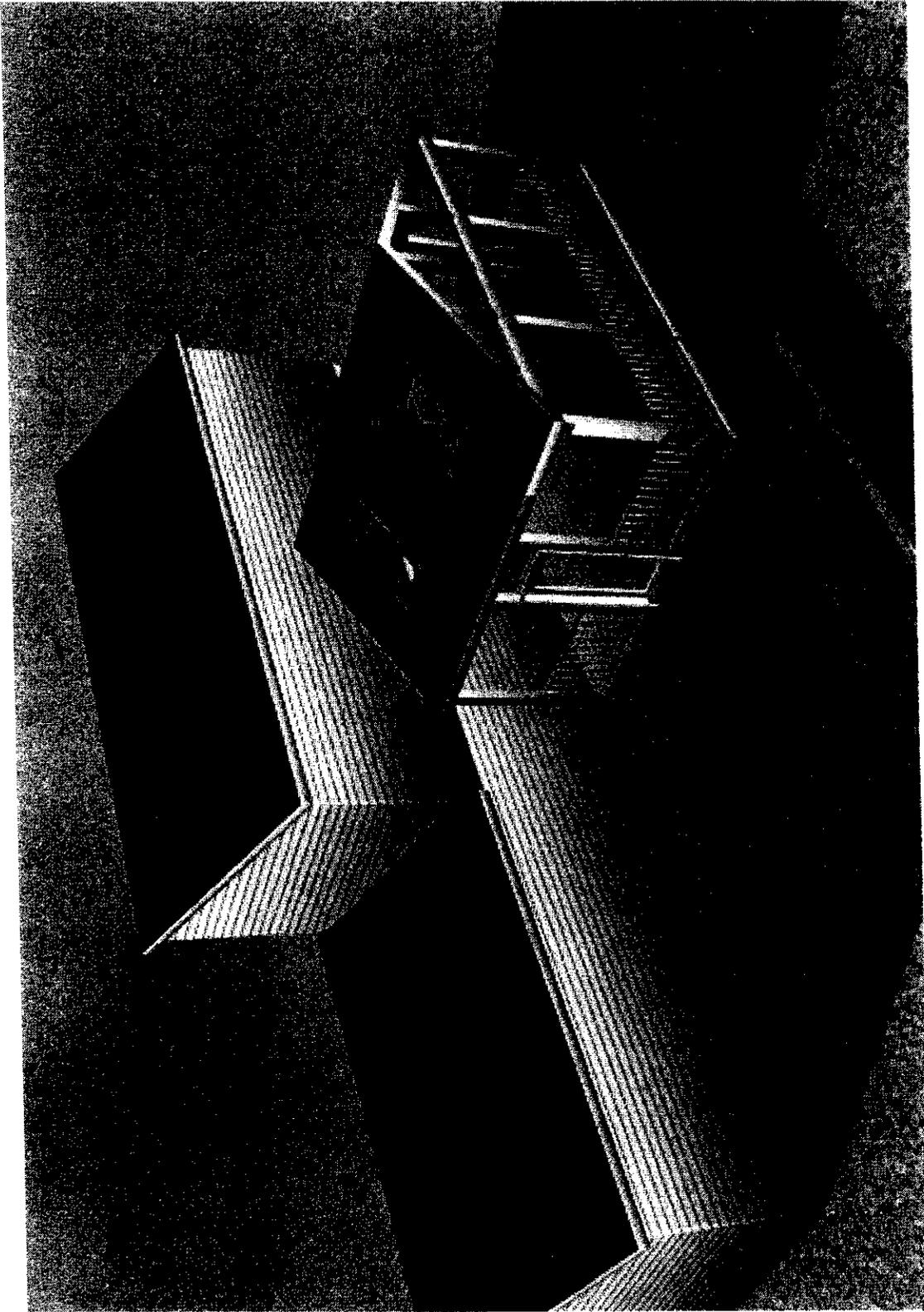
If it is the intent of the Board of Zoning Appeals to approve SP 2009-SP-091 located at Tax Map 88-3 ((3)) 505 to permit reduction of certain yard requirements pursuant to Sections 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size of a screened porch addition (280 square feet), as shown on the plat prepared by Jeff Warner Land Surveying, Inc., dated August 4, 2009 as revised through August 14, 2009, as submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (1,922 square feet existing + 2,883 square feet (150%) = 4,805 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. The existing pool and a portion of the pool deck shall be removed to accommodate the proposed addition. The remaining deck shall be in conformance with minimum yard requirements of the Zoning Ordinance. Open

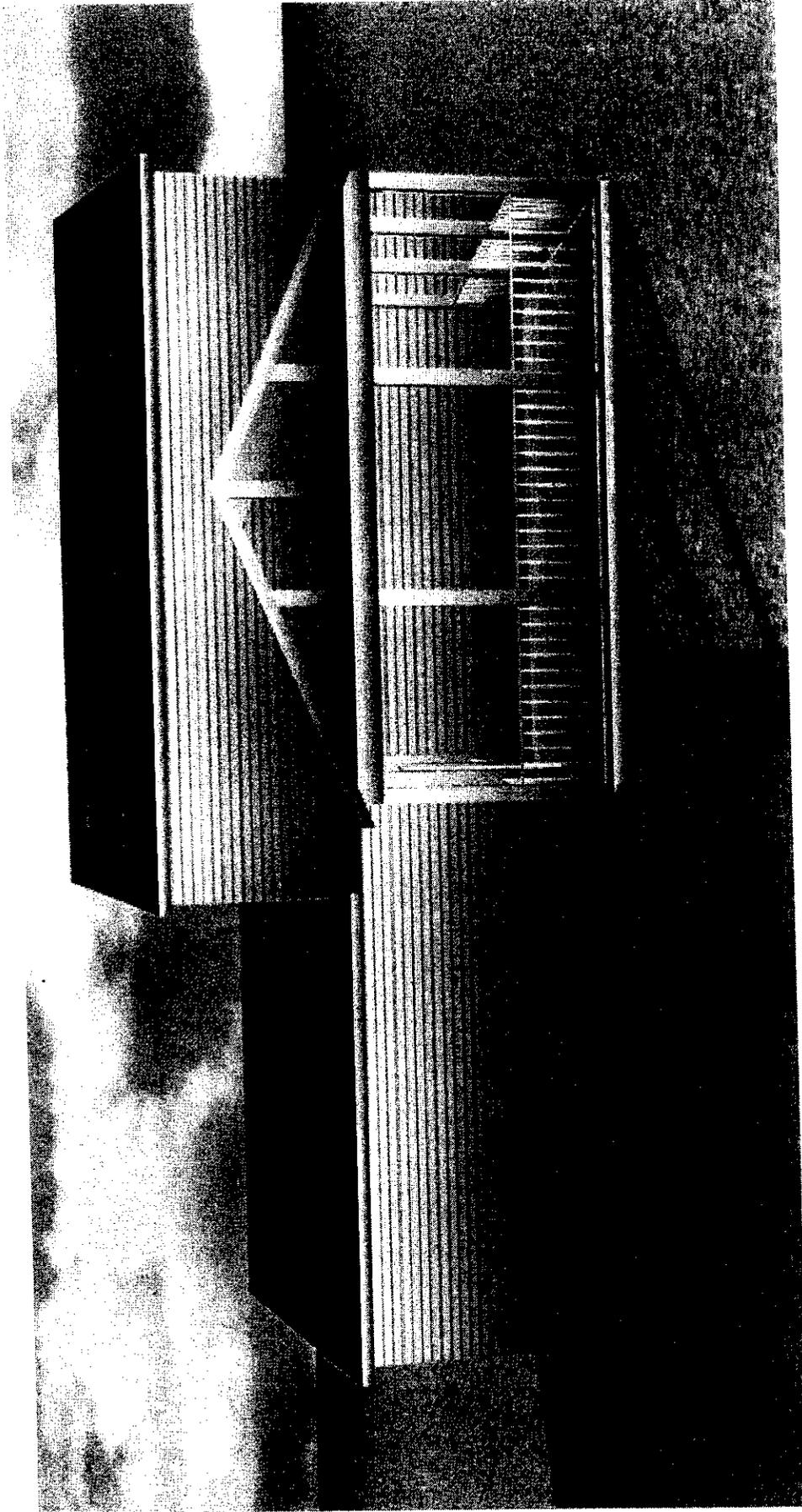
pervious areas created by the removal of the pool and deck shall be revegetated.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

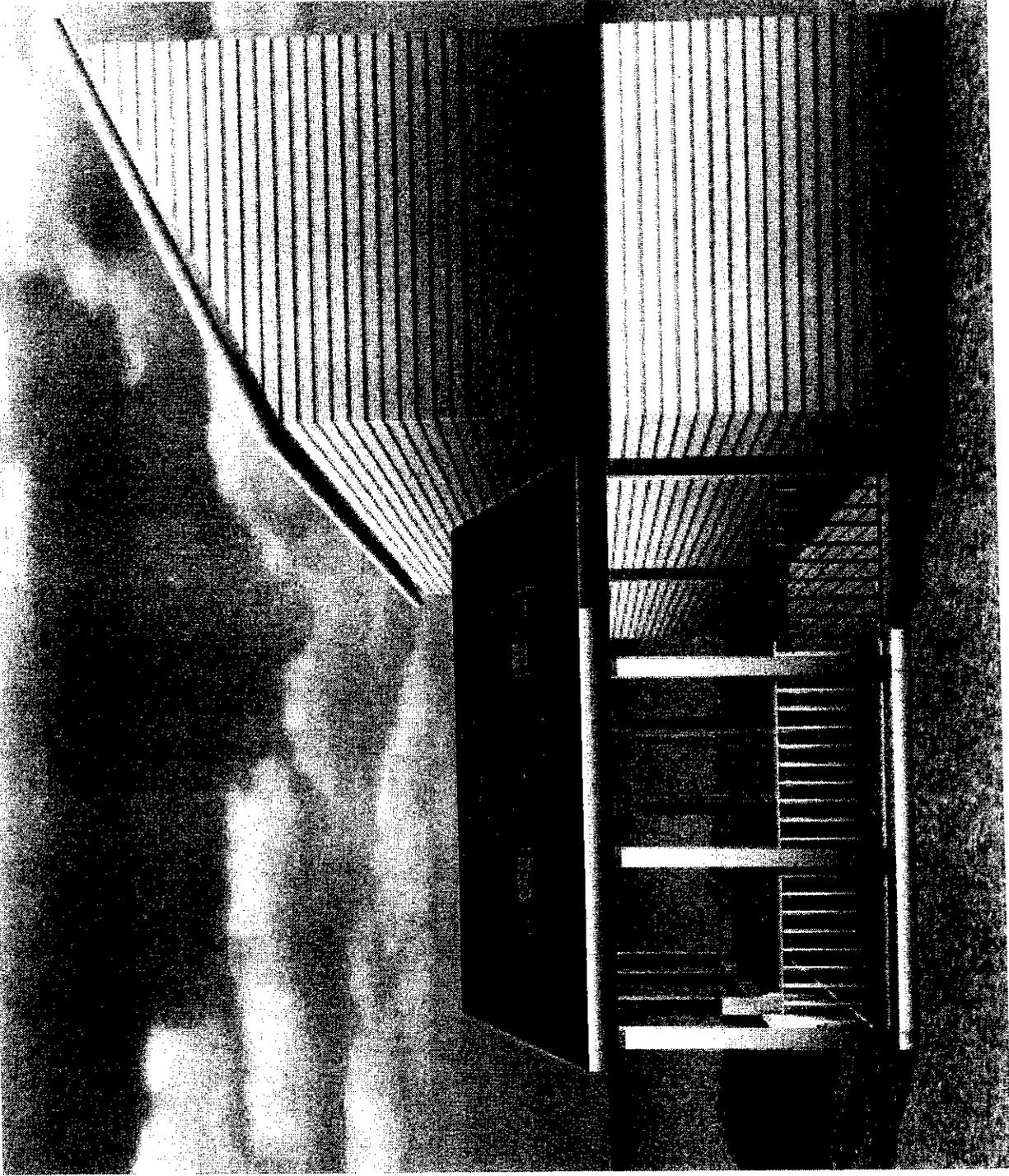
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



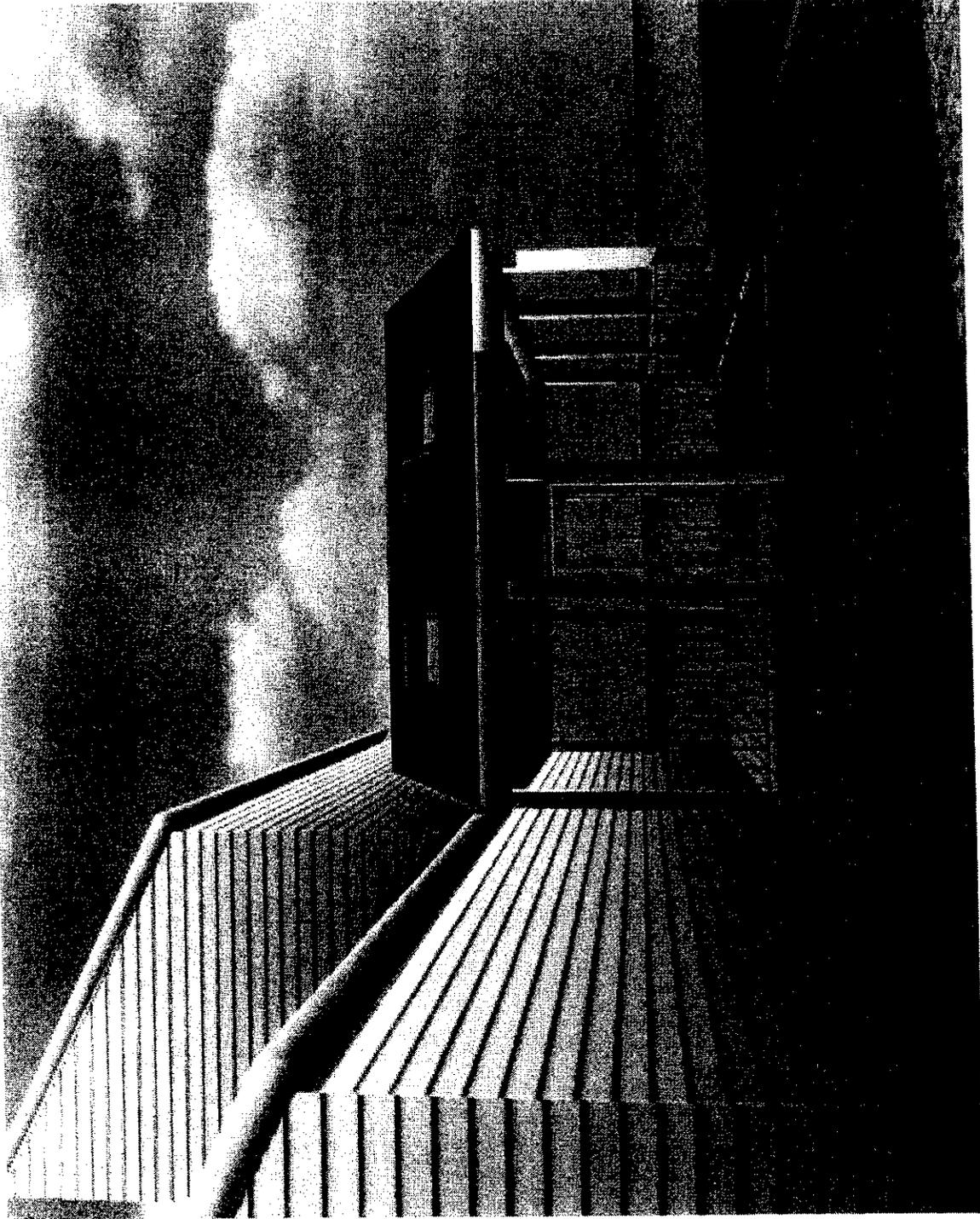
8-922 Par. 12. Architectural depictions of screen porch addition, aerial view from rear of lot



8-922 Par. 12. Architectural depictions of screen porch addition, view from rear of lot



8-922 Par. 12. Architectural depictions of screen porch addition, view from left side of lot



8-922 Par. 12. Architectural depictions of screen porch addition, view from right side of lot

Application No.(s): \_\_\_\_\_  
 (county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/11/09  
 (enter date affidavit is notarized)

I, Richard Eissner, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below

and that, to the best of my knowledge and belief, the following is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Karen L. Eissner	9419 Onion Patch Dr., Burke, VA 22015	Title Owner
Richard E. Eissner	9419 Onion Patch Dr., Burke, VA 22015	Applicant/Title Owner

(check if applicable)       There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/11/09  
(enter date affidavit is notarized)

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

N/A

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

N/A

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/11/09  
(enter date affidavit is notarized)

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

N/A

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/11/09  
(enter date affidavit is notarized)

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

N/A/NONE

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 8/11/09  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

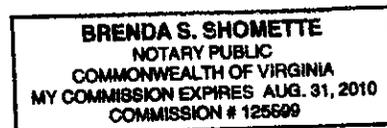
Richard E. Eissner  
[✓] Applicant [ ] Applicant's Authorized Agent

Richard E. Eissner, Owner/Applicant  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 11<sup>th</sup> day of August 2009, in the State/Comm. of Virginia, County/City of Fairfax.

Brenda S. Shomette  
Notary Public

My commission expires Aug 31, 2010



**Special Permit Request**  
**To reduce the rear yard requirement from 25 feet to 18.4 feet**  
**Corrected copy**

**Statement of Justification**

Richard & Karen Eissner  
9419 Onion Patch Drive  
Burke, Va. 22015

Legal Description: Lot 505, Longwood Knolls, Fairfax County Virginia  
Postal Address: 9419 Onion Patch Drive, Burke, VA 22015  
Owner(s): Richard & Karen Eissner  
Applicant(s): Richard & Karen Eissner

In accordance to 8-922 Provisions for Reductions of Certain Yard Requirements, the following justifications are addressed below. Specifically Paragraph 5 # 2 A-I.

2-A.) **CORRECTED.** To reduce the rear yard requirement from 25 feet to 18.4 feet. The construction of a screened in porch that will measure 20' x 14' which will go 7 feet into the minimum rear yard setback. The total square footage of the additional structure is approximately 380 square feet. The square footage of the original dwelling on 2 levels with basement is approximately 2100 square feet. The screened in Porch will be a 20 x 14 "A-frame" screened in porch using pressured treated pine wrapped with white AZEK Premier Composite trim material. Flooring will consist of Brazilian Redwood. The porch will be in character with the existing house structure in height, bulk and scale; and has matching roofing, gutters, trim. The screened porch will be harmonious and in character with the other homes in the neighborhood. If the rear yard setback requirement is approved, the existing swimming pool will be filled and the screened porch will be constructed.

2-B.) N/A).

2-C.) **CORRECTED.** The house was built in 1981. The existing setbacks are from the front 20 feet, side 8 feet with a total of 20 feet and rear 25 feet.

2-D.) . The square footage of the original dwelling on 2 levels with basement is approximately 2100 square feet. The total square footage of the additional structure is approximately 380 square feet.

2-E.) The proposed screened porch will be connected to the existing house. Square footage of the porch will be approx. 380 square feet. The screened porch will be 18.2 percent of the existing square footage of the house.

RECEIVED  
Department of Planning & Zoning

AUG 28 2009

Zoning Evaluation Division

2-F.) The porch will be in character with the existing house structure in height, bulk and scale; and has matching roofing, gutters, trim. The screened porch will be harmonious and in character with the other homes in the neighborhood.

2-G) The new structure will be constructed to blend in with the existing house and will be constructed in the same manner as the neighbors screened porch.

2-H) The new screened in porch will be constructed in the same style and pattern to match the house and also will be built by the same company as the neighbors. The existing landscaping and trees will provide blocking from neighbors view. Please see pictures in step four of this application.

2-I) **CORRECTED**. The screened porch will be 20' x 14' and constructed of material that will blend with the existing house and extend into the existing rear yard setback by 7 feet. This will leave a rear yard of 18.4 feet, which will be properly landscaped.

Thank you,  
Richard Eissner  
9419 Onion Patch Drive  
Lot 505, Longwood Knolls  
Burke, Va. 22015

### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).

- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.